THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28165 OF 2005

DATED:2.1.2006

Between:

K. Srilatha and others

…Petitioners

And

Gram Panchayat, Jogipet,

Andole Mandal, Medak District,

Rep. by its Panchayat Secretary

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28165 OF 2005

ORDER:

The three petitioners seek a Writ of Mandamus declaring the action of the respondent Gram Panchayat in trying to encroach upon the petitioners' property situated at Jogipet Village, Andole Mandal, Medak District, as illegal and arbitrary. They also seek a direction to the respondent not to dispossess them by making any construction on the land. The petitioners' allege that they are landless poor persons and on an application made by them, the Mandal Revenue Officer, Andole, by proceedings dt.26.11.1998 assigned the land in Plot No.15-1/1 admeasuring 13' x 40' each in S.No.196 of Jogipet Village. The petitioners obtained permission from the Gram Panchayat for construction of houses, but they could not do so and therefore they got the permissions validated. They alleged that the respondent tried

to encroach upon the land by constructing a compound wall surrounding the land assigned to the petitioners. Therefore, representations were given to the Mandal Revenue Officer who directed the Gram Panchayat to stop the work. In spite of the same, on 27.12.2005 the respondent Gram Panchayat officials came with workers and took up the construction of compound wall and therefore present Writ Petition is filed.

At the stage of admission itself, learned Standing Counsel for respondent Gram Panchayat obtained instructions. He submits that the petitioners filed appeal under Section 128 of the A.P.Panchayat Raj Act, 1994 and during enquiry the District Panchayat Officer found that no land was assigned to the petitioners and that the Gram Panchayat is constructing a compound wall in the land belonging to the Gram Panchayat, where the office is located. A copy of the order is also placed before this Court. A perusal of the said order dt.21.5.2004 would show that way back on 5.12.1999 the Mandal Revenue Officer informed that patta certificates are invalid and requested the Gram Panchayat not to allow any construction on the land and that the patta certificates issued to petitioners were cancelled in 1999.

Learned counsel for the petitioners submits that the Mandal Revenue Officer cancelled the house site pattas without any notice and therefore they are not binding on the petitioners. He further submits that the Gram Panchayat has no authority to encroach upon the land which is in possession of the petitioners and raise compound wall. This is refuted by the learned Standing Counsel for respondent Gram Panchayat.

The petitioners have annexed the Xerox copies of ownership certificates issued by the Mandal Revenue Officer on 26.11.1998, to the Writ Petition, which were brought to the notice of the District Panchayat Officer in the appeal filed by the petitioners. In 1999 itself the allotment of house sites to petitioners was cancelled. The petitioners did not move any higher authority in that regard and now they contend that they are not aware of these orders. Therefore, liberty is given to the petitioners to obtain copies of the cancellation orders passed by the Mandal Revenue Officer and file appropriate appeals before the Revenue Divisional Officer against the cancellation of pattas. As the petitioners appeal before the District Panchayat Officer against the action of the Gram Panchayat in constructing compound wall in S.No.196 of Jogipet Village, surrounding the Gram Panchayat Office, has already been dismissed, in this Writ Petition, no relief can be granted to the petitioners.

The Writ Petition with the above observations is accordingly dismissed.

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(V.V.S.RAO, J)

2.1.2006

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